

**SANTA MONICA MOUNTAINS CONSERVANCY**

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**DRAFT**  
December 6, 2004

Ms. Christina Tran  
Los Angeles County  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**Comments on Notice of Consultation for Mitigated Negative Declaration, Tentative  
Tract Map No. 060358, northern terminus Wistaria Valley Road, Sand Canyon**

Dear Ms. Tran:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Notice of Consultation for Mitigated Negative Declaration (MND), Conditional Use Permit No. 03-301, Tentative Tract Map (TTM) No. 060358, north end Wistaria Valley Road, Sand Canyon. The proposed project consists of a 50 single-family residential lots, two debris basin lots, and three open space lots on the 81.6-acre project site.

Land use decisions in any area within the Santa Clara River watershed warrant careful consideration. The proposed project does not appear to conform with the biological and topographic constraints. The project would require filling a drainage, and cutting slopes in excess of 90 feet. The proposed project occupies a narrow gap of habitat and open space between the homes on Baker Canyon Road off of Sierra Highway, and the homes at the north end of Wistaria Valley Road. The proposed project should guarantee a continuation of the habitat linkage through the project site between the lower part of Sand Canyon and the habitat areas to the north. Habitat areas to the north include an east-west habitat connection, from Angeles National Forest in the west, to Sierra Highway and State Route 14, south of Davenport Road, in the east.

The MND/Initial Study (IS) is deficient in that it does not contain sufficient information to conclude whether there will be significant impacts to biological resources and whether any significant impacts will be mitigated to a less than significant level. Acres of vegetation types to be impacted are not quantified in the IS, despite the presence of rare plant communities onsite such as alluvial fan sage scrub and buckwheat and California sagebrush scrub. These vegetation types are considered very threatened by the California Department of Fish and Game. Without this information in the California Environmental Quality Act

(CEQA) document, it is not possible in this case to determine whether there will be significant impacts to sensitive vegetation types. Furthermore, the mitigation measures (p. 11 of IS), include surveys (e.g., Biological Constraints Analysis, jurisdictional delineation, focused species surveys), which in fact should be done to ascertain whether there are significant impacts, and do not constitute mitigation for significant impacts. In addition, permits are required by law, and do not constitute mitigation. Also, deferring the details about specific mitigation measures to be implemented until permits are obtained, is contrary to the spirit and intent of CEQA, including adequate disclosure to the public.

Specifically, the IS states that all vegetation within approximately 20.5 acres will be removed for future development and there will be additional removal for fire clearance. The CEQA document should disclose the acres of impact to each vegetation type, including impacts resulting from fire clearance, even if approximate. A figure should be provided depicting the locations of the vegetation types onsite to be impacted.

The MND/IS is also deficient in that it does not disclose whether Critical Habitat (as designated by the United States Fish and Wildlife Service) for the coastal California gnatcatcher is present on or near the site. The CEQA document should disclose the direct or indirect impacts to this habitat, as well as any results from protocol surveys for this bird.

Based on an aerial photo, it appears that there has been no effort to avoid the alluvial fan sage scrub onsite. Without additional information regarding the extent and location of vegetation types onsite, the only way to provide a reasonable level of assurance that a adequate effort has been made to avoid significant impacts to biological impacts is if Lots 1-11, and 51 were deleted from the eastern side of the project. This would appear to protect the alluvial fan sage scrub.

If the County approves any project on the site, the only way to guarantee permanent, future protection of the remaining resources onsite, is for the County to require that a conservation easement be granted to an open space and park agency (at not cost to the agency) over the ungraded portions of the project site. The Mountains Recreation and Conservation Authority, the Conservancy's joint powers partner, would be an appropriate agency to accept the easement. The County should require that the easement be recorded prior to, or concurrently with, tract map recordation. Specifically this conservation easement should prohibit development, structures, roads, grading, mineral extraction, grazing, vineyards, planting of non-native vegetation, fencing, utilities (other than what is allowed under current utility easements), and brush clearance (other than what would be required for the tract map that is approved). Uses that should be allowed in this

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conservation easement include trails and habitat restoration.

The Conservancy recommends that a revised MND be circulated for public review that includes the additional information as described in this letter. This includes the results of the Biological Constraints Analysis, and the results of surveys for rare species. Specific mitigation measures must be included in the revised CEQA document, including the requirement for a conservation easement. Thank you for the opportunity to comment. Please contact Judi Tamasi of our staff at (310) 589-3200, ext. 121 if you have any questions.

Sincerely,

JEROME C. DANIEL  
Chairperson